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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,836	01/12/2004	Zachary Merlynn Loafman	AUS920030789US1	9840
<div>54105      7590      05/08/2007</div> <div>DUKE W. YEE</div> <div>YEE &amp; ASSOCIATES, P.C.</div> <div>P.O. BOX 802333</div> <div>DALLAS, TX 75380</div>				
			<div>EXAMINER</div> <div>LEWIS, ALICIA M</div>	
			<div>ART UNIT</div> <div>2164</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>05/08/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/755,836

Applicant(s)

LOAFMAN ET AL.

Examiner

Alicia M. Lewis

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08).  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413) **SAM RIMELL**  
Paper No(s)/Mail Date. \_\_\_\_\_ **PRIMARY EXAMINER**
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This office action is responsive to communication filed February 27, 2007.

Claims 1-20 remain pending in this application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widell et al. (US Patent Application Publication 2005/0055490 A1) ('Widell') in view of Lordi et al. (US Patent 5,857,204) ('Lordi').

With respect to claims 1, 8 and 16, Widell teaches:

a processor (paragraphs 31 and 59);

a set of instructions configured to run on said processor (paragraph 30), said set of instructions operable to:

change a first set of data for a first thread associated with a first file (paragraph 43 lines 4-6 and paragraphs 34, 36 and 39);

store said change for said first set of data (paragraphs 34, 36 and 39);

responsive to an operation error, retrieve said stored change for said first set of data (paragraphs 45 and 48); and

rollback said change to said first set of data to recover said first set of data for said first thread (paragraphs 45 and 48).

Although Widell teaches that many types of data structures may be used (which would include a file), he does not explicitly teach a file system having files.

Lordi teaches a method and system that applies transaction techniques to file system operations in non-database applications executing on parallel processing systems (see abstract), in which he teaches a file system having files (column 5 lines 1-7).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Widell by the teaching of Lordi because a file system having files would enable a method and system that applies transaction techniques to file system operations in non-database applications executing on parallel processing systems, and reduce or eliminate manual restoration of file state when failures occur; therefore making Widell's invention more useful.

With respect to claims 2, 9 and 17, Widell as modified teaches wherein said set of instructions is further operable to:

change a second set of data for a second thread (Widell, paragraph 30 lines 8-12), said second thread associated with a second file (Widell, paragraph 43 lines 4-6) of said file system (Widell, paragraphs 34, 36 and 39);

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store said change for said second set of data (Widell, paragraphs 34, 36 and 39);  
responsive to an operation error, retrieve said stored change for said second set of data (Widell, paragraphs 45 and 48); and  
rollback said change to said second set of data to recover said second set of data for said second thread (Widell, paragraphs 45 and 48).

With respect to claims 3, 10 and 18, Widell as modified teaches wherein the retrieve and rollback operations are responsive to a notification from said first thread (Widell, paragraph 45 lines 4-7, paragraph 48 lines 5-12).

With respect to claims 4, 11 and 19, Widell as modified teaches wherein said operation error comprises a file system error (Widell, paragraphs 5 and 33; Lordi, column 6 lines 3-11 and 66-67).

With respect to claims 5, 12 and 20, Widell teaches wherein said operation error comprises a thread operation error (Widell, paragraphs 5 and 33), and the stored change for said first set of data and the stored change for said second set of data are chained together (Widell, Figure 6, paragraph 46).

With respect to claim 13, Widell as modified teaches wherein said operation error comprises a multi-thread operation error (Widell, paragraphs 5 and 33).

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3. Claims 6, 7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widell et al. (US Patent Application Publication 2005/0055490 A1) ('Widell') in view of Lordi et al. (US Patent 5,857,204) ('Lordi'), as applied to claims 1-5, 8-13 and 16-20 above, and further in view of Carter et al. (US Patent 5,987,506) ('Carter').

With respect to claims 6 and 14, Widell as modified teaches claims 1 and 8.

Widell as modified does not teach wherein said first file comprises an inode page.

Carter teaches remote access and geographically distributed computers in a globally addressable storage environment (see abstract), in which he teaches wherein said first file comprises an inode page (column 30 lines 59-61).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Widell by the teaching of Carter because wherein said first file comprises an inode page would enable Widell's mechanisms to be implemented on a computer network system, having adaptable system configurations for dynamically exploiting distributed network resources and improved fault tolerance (Carter, column 2 lines 55-67).

With respect to claims 7 and 15, Widell as modified teaches wherein said second file comprises a directory page (Carter, column 30 lines 60-61).

***Response to Arguments***

4. Applicant's arguments filed February 27, 2007 have been fully considered but they are not persuasive. Applicant argues that Widell does not teach a first set of data for a first thread associated with a first file, but instead he teaches data structures that are not analogous to files. Applicant further argues that Widell does not describe its data structure as being a file. Lastly applicant argues that the concepts of Lordi cannot be applied to a "data structure." Examiner disagrees.

5. Widell teaches a first set of data for a first thread associated with a data structure (paragraphs 34, 36 and 39). He then goes on to teach, "many alternative types of data structures for storing information are possible according to the present invention" (paragraph 43). Therefore, it is suggested that a file may be used as the data structure in the Widell application. It is well known in the art that a file may be considered a data structure.

6. Nonetheless, the examiner has acknowledged that Widell does not explicitly teach a file system having files, and has relied on the Lordi reference to teach that limitation. Lordi teaches restoring the state of a set of files, in which he teaches a file system having files (column 5 lines 1-7). Therefore, the combination of Widell and Lordi teaches independent claims 1, 8 and 16. Applicant's argument that "Lordi cannot be applied to a "data structure" is incorrect. A file is a "data structure," and Lordi's invention is applied to files.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis  
May 3, 2007



**SAM RIMELL  
PRIMARY EXAMINER**